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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 26.2.601/USA

In re Application of:)
Donald M. White, III et al.)
Serial No. 10/601,313)
Filed June 20, 2003) Group Art Unit 3671
For TWO STAGE SNOWTHROWER WITH IMPELLER HOUSING BYPASS) Examiner R. Pezzuto

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
WITH 1.17(P) FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, the Applicant wishes to bring the information contained in the Declaration of Jerold F. Patrin, which declaration is listed on the attached Form PTO/SB/08B, to the attention of the Patent and Trademark Office.

The information contained in the Declaration establishes that the invention was conceived and actually reduced to practice some 12 years before a patent application was filed on the invention by the assignee, The Toro Company. However,

Page - 1 -

Certificate of Transmission under 37 C.F.R. 1.8. I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on

11/24/2004

James W. Miller

PAGE 2/11 *RCVD AT 11/24/2004 3:28:30 PM [Eastern Standard Time]* SVR:USPTO-EFXRF-1A *DNIS:8729326 *CSID:612 338 5989 *DURATION (MM:SS):00:51:14

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during this gap, the Declaration further establishes that Toro long retained the original prototypes and other materials relating to the invention, that internal discussions and presentations were periodically had at Toro relating to use of the invention, and that Toro subsequently reactivated engineering work on the invention in 2001 and placed the invention into its two stage snowblower line the first time such two stage snowblower line was redesigned after the invention was made. Accordingly, it is clear that Toro never abandoned the invention under 35 USC 102(c) and is not barred under 35 USC 102(c) from seeking patent protection for the invention.

The Applicant wishes to have the prior art contained in this Supplemental Information Disclosure Statement considered even though such Statement is being submitted after the first Office Action. Accordingly, please charge the \$180 fee (i.e. the 1.17(p) fee) for submission of this Supplemental Information Disclosure Statement and any other fees that may be due on account of such submission, or credit any overpayment, to Deposit Account No. 20-1315. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



November 24, 2004

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Page - 2 -